

REMARKS

Claims 27-49 are pending in the application.

Claims 27-49 stand rejected.

Rejection of Claims under 35 U.S.C. §102

Claims 27-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,064,987 to Walker, *et al.*, (*Walker*). Applicants respectfully traverse each of these rejections. While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As will be appreciated, “[a] ... claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that this burden has not been met by the instant Office Action, because, as will be shown below, independent Claim 27 recites at least one limitation that is not disclosed, either directly or under the principles of inherency, in *Walker*.

As an initial matter, *Walker* differs from the present invention in scope and purpose. These differences in scope and purpose are reflected in a comparison Applicants’ Claim 27 and the abstract of *Walker*. Claim 27 recites:

A computer program product comprising:  
a data structure for an order processing system comprising a complex object comprising a service profile, wherein the service profile represents an asset associated with an account, wherein said asset is a complex asset;

a data manager configured to:  
    receive at least a portion of the service profile from an external server via  
    an information network, and  
    generate a business object based on the portion of the service profile;  
a transformation engine configured to generate at least a portion of the complex object  
    based on the business object, wherein the complex object is stored in an asset  
    table; and  
computer readable storage media, wherein said data structure, said data manager, and  
    said transformation engine are encoded in said computer readable storage media.

See Claim 27. By contrast, *Walker* teaches:

A central controller receives from a POS terminal a purchase price and a financial account identifier. The financial account identifier specifies a financial account, such as a credit card account. The central controller, in turn, generates one or more installment plan identifiers defining installment plans for payment of the purchase price. The installment plan identifiers are based on the purchase price and/or the financial account identifier. For example, certain accounts or certain high purchase prices may merit preferred installment plans. The installment plan identifiers are transmitted to the POS terminal. A purchaser at the POS terminal selects whether he would like to pay for his purchase in installments and, if so, using which installment plan. The POS terminal generates a selection signal indicative of whether to accept any of the installment plans, and transmits the selection signal to the central controller. The central controller receives the selection signal. If the selection signal indicates acceptance of any installment plan, use of the accepted installment plan for the financial account is authorized. Thereafter, bills are generated which reflect installment charges to be paid.

See *Walker*, Abstract. Regarding the subject matter claimed by Claim 27, while *Walker* is directed to a central controller, which receives from a POS terminal a purchase price and a financial account identifier, the claimed invention is distinctly directed to a computer program product for an order processing system, which comprises a complex object, a data manager for receiving a portion of a service profile from an external server, and a transformation engine. These differences in scope and purpose lead to specific elements, not present in *Walker*, which are articulated in Applicants' Claim 27 and which serve as evidence of the inability of *Walker* to anticipate the claimed invention.

For example, the Office Action fails to find within *Walker* the recited “data manager configured to: receive at least a portion of the service profile from an external server via an information network, and generate a business object based on the portion of the service profile” of independent Claim 27. The Office Action asserts that “the data manager is the database (42).” Applicants respectfully submit that this mapping of elements contradicts the plain teaching of the reference. In describing the components illustrated in Figure 4, *Walker* unequivocally identifies element 42 as “data storage device 42, such as RAM, floppy disk, hard disk, or combination thereof.” *See Walker*, Column 6, lines 9-14. Quoted more extensively, the nature of data storage 42 becomes far clearer. The cited text states:

FIG. 4 illustrates the central controller 12 of FIG. 1 in more detail. The central controller 12 comprises a controller processor 40, such as one or more conventional microprocessors, which is connected to a data storage device 42, such as a RAM, floppy disk, hard disk or combination thereof. The controller processor 40, and thus the central controller 12, is further connected to the POS processors 20, 22 and 24 of FIG. 2.

*See Walker*, Col. 6, lines 9-16. Applicants respectfully submit that the Office Action’s assertion that storage device 42 is “a database” and therefore teaches the claimed “data manager” is not compatible with *Walker*’s teaching that storage device 42 is RAM. This lack of correspondence between the elements of Claim 27 and the teachings of *Walker* renders the cited portions of *Walker* incapable of anticipating Applicants’ Claim 27.

Applicants further respectfully submit that data storage device 42 is not portrayed as being “configured to receive at least a portion of the service profile from an external server via an information network,” as no such external server is portrayed, taught, or suggested. The Office Action states that “The data manager (42) receives service profile information from point of sale (POS) terminals (20-24) via an external server (col. 5, lines 49-51). The cited text of Col. 5 describes Figure 3 when it states:

For example, the POS terminal 20 may comprise one or more computers connected to a remote server computer for maintaining databases.

See *Walker*, Col. 5, lines 49-51. As is shown below in the inline reproduction of Figure 3, a quick glance at Figure 3 is particularly informative as to what is fairly taught by the cited section of *Walker*.

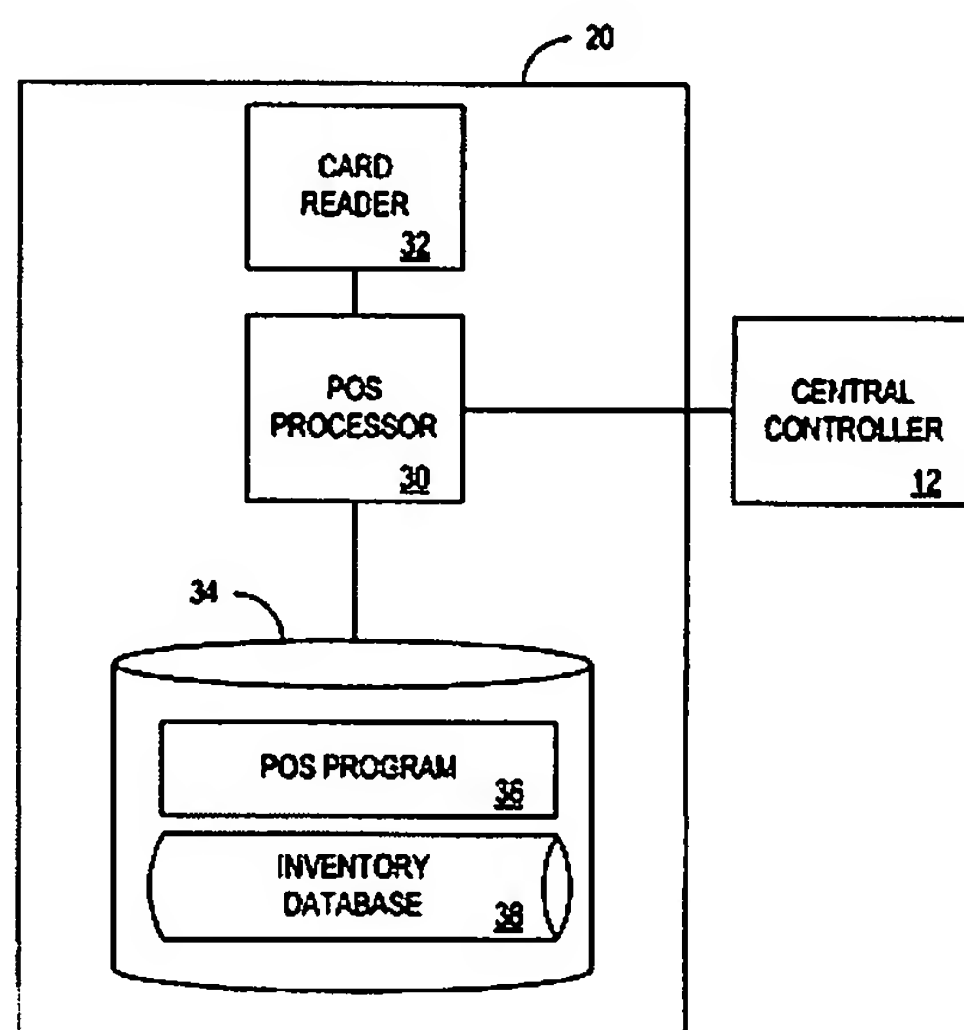


FIG. 3

See *Walker*, Figure 3. Thus, in addition to lacking a data manager, a point which Applicants have established above, *Walker* also fails to teach the claimed external server, separate from POS terminal 20 and Central Controller 12. To the contrary, *Walker* teaches away from the existence of the claimed external server by directly coupling POS terminal 20 and Central Controller 12 in Figure 3. Claim 27, by contrast, recites, “data manager configured to: receive at least a portion of the service profile from an external server via an information network,” which is not taught or suggested by *Walker*.

Applicants further respectfully submit that *Walker* does not teach a “data manager configured to... generate a business object based on the portion of the service profile.”

The Office Action states, “Business objects (installment plans—FIG. 5E) are generated and correlated to each of the complex objects (row 130).” Here, Applicants respectfully note that the Office Action alleges that business objects exist, but the Office Action points to no text indicating where, how or by what they are generated, and particularly does not allege that a data manager is configured to generate the business objects as required by Claim 27. No text and no drawings are offered to demonstrate that RAM (storage unit) 42 is “configured to... generate a business object based on the portion of the service profile.” Without such a teaching of any particular thing being “configured to... generate a business object based on the portion of the service profile,” the Office Action does not state *prima facie* case of anticipation against Claim 27.

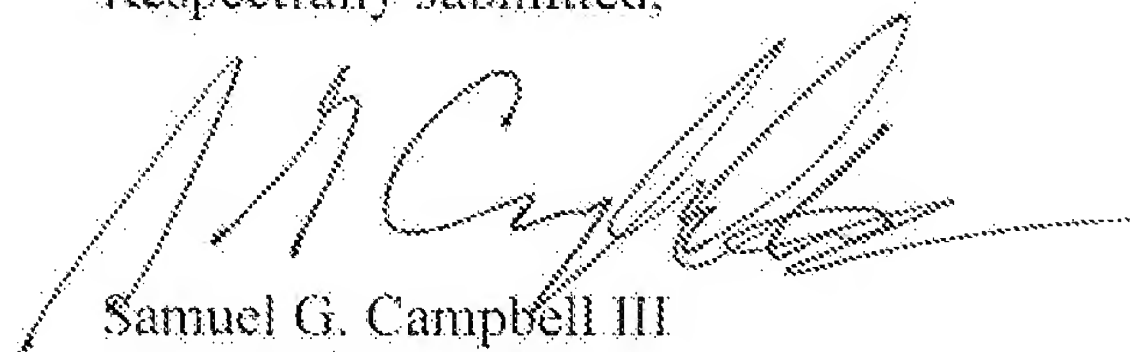
Applicants respectfully submit that Walker does not teach each limitation of independent claim 27, which is therefore allowable over *Walker*. Applicants thus respectfully urge the Examiner withdraw the §102 rejection of claim 27. Applicants further respectfully submit that dependent claims 28-49 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell III', with a long horizontal flourish extending to the right.

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